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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,225	06/19/2001	Shinji Noda	Q64996	9818

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EXAMINER	
HARRISON, CHANTE E	

ART UNIT	PAPER NUMBER
2672	6

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,225	NODA ET AL.	
	Examiner	Art Unit	
	Chante Harrison	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-22* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is responsive to communications: Amendment B, filed on 8/6/03.

2. Claims 1-22 are pending in the case. Claim 1 is independent claims. Claims 1 and 9 have been amended. Claims 18-22 have been added.

Drawings

1. The proposed drawing corrections and/or the proposed substitute sheets of drawings, filed on 8/6/03 have been approved by Examiner. Thus, the objection to the drawings for including and/or not including reference signs mentioned in the description is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5,7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki Yokota et al., U.S. Patent 6,282,330 B1, 8/2001 and further in view of Jiebo Luo et al., U.S. Patent 6,654,506 B1, 11/2003.

As per independent claim 1, Yokota discloses an image synthesizing apparatus for producing a synthetic image from at least first and second images, wherein the synthetic image consists of a background image and at least a main image superimposed on the back ground image, said apparatus comprising: a first display section for displaying said at least first and second images one by one upon each of said images being selected from among images input in said image synthesizing apparatus (Fig. 9; col. 3, ll. 10-18); a second display section for displaying an outer frame and at least an inner frame located inside said outer frame (Fig. 9; col. 2, ll. 59-60; col. 12, ll. 23-33); a frame selecting device for selecting one of said outer and inner frames (i.e. window or slot corresponding to a rectangular shape on a template) as displayed in said second display section (col.12, ll. 45-51; col. 13, ll. 15-20); a crop boundary (i.e. range) displayed on said image in said first display section (col. 3, ll. 14-

17, 39-48; col. 6, ll. 32-35), and a cropping and pasting device for cropping those areas of said first and second images that are each individually bounded by said crop boundary (col. 3, ll. 39-45; col. 4, ll. 45-55; col. 6, ll. 28-35), and pasting the cropped area of said first image as the background image (i.e. clipped image of template) in said outer frame (col. 4, ll. 45-55; col. 6, ll. 30-35), and the cropped area of said second image as the main image (i.e. trimmed/clipped image from pool of selectable images) in said inner frame (col. 4, ll. 45-50; Fig. 9).

Yokota fails to specifically disclose said crop boundary having a similar shape to the frame that is selected by said frame selecting device and a frame modifying device for modifying any of said outer and inner frames by homothetically changing size or position of said crop boundary relative to the image displayed in said first display section.

Yokota discloses after applying the editorial image processing, displaying the modified image as required by the designated page layout (col. 7, ll. 55-65), in one of the one or multiple windows of which the page consists. Therefore it is obvious that Yokota's editorial process, which performs trimming of an image over a defined range of the image and displays the resultant image in a designated window slot, defines a crop boundary that has a similar shape to the selected frame. Luo discloses a frame modifying device for modifying any of said outer and inner frames by homothetically changing size or position of said crop boundary relative to the image displayed in said first display section (col. 3, ll. 10-16). However it would have been obvious to one of ordinary skill in the art to incorporate Luo disclosure of homothetically changing size or

position of said crop boundary relative to the image displayed with the disclosure of Yokota because Yokota teaches repeating designation of editorial processes including manipulating the application of trimming operations, to achieve the desired display results (col. 8, ll. 30-35; col. 9-10, ll. 65-4).

As per dependent claim 2, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said outer and inner frames are rectangular (Fig. 9), and said image synthesizing apparatus further comprises a device for enabling changing aspect ratio of any of said outer and inner frames (col. 3, ll. 10-30).

As per dependent claim 3, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein where the synthetic image is to have a plurality of main images which overlap with each other (Fig. 9), data designating an order of displaying a plurality of inner frames from the front of the synthetic image is allocated to each inner frame (col. 12-13, ll. 62-12).

As per dependent claim 4, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 3, wherein among the plurality of inner frames, one having an image pasted later is placed forward (col. 12-13, ll. 62-12).

As per dependent claim 5, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 3, wherein the order of arrangement of said inner frames

from the front of the synthetic image may be modified appropriately (col. 6, ll. 28-32; col. 12-13, ll.66-12)

As per dependent claim 7, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said frame modifying device may modify the position or the size of any of said outer and inner frames even after an image is pasted in said outer frame or said inner frame (col. 9 ll. 40-50).

As per dependent claim 8, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising an image quality control device for controlling quality of an image before or after said image is pasted in said outer frame or said inner frame (col. 4, ll. 28-32; col. 9, ll. 65-67).

As per dependent claim 9, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim1, wherein where the main image is to have a non-rectangular contour (Fig. 10), a trimming frame of the non-rectangular contour is displayed in said subsidiary display area inside said inner frame (col. 9, ll. 22-27; col. 13, ll. 41-46), said inner frame having a rectangular shape that circumscribes said trimming frame (i.e. window "1-A" of Fig. 10 which corresponds to a rectangle in a selected template and circumscribing a trimming region of an image) (Fig. 10; col. 2, ll. 59-60; col. 12, ll. 47-50), and an area having a similar shape to said inner frame is cropped out from said second image (Fig. 10; col. 3, ll. 43-46; col. 13, ll. 41-46), and

pasted in said inner frame after pixels of marginal portions of said cropped area which are outside said trimming frame are deleted or converted in-to transparent pixels (col. 8, ll. 30-35; col. 13, ll. 41-46, 56-67).

As per dependent claim 10, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a set of image data of those images pasted in said outer and inner frames (col. 5, ll. 12-17), and location data representative of position of said inner frame relative to said outer frame (col. 2, ll. 59-60; col. 4, ll. 10-14; col.12-13, ll. 66-2; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 11, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 10, wherein where the synthetic image has a plurality of main images which overlap with each other (Fig. 9) (i.e. 3 overlapping rectangular windows), data indicating the sequence of arrangement of the main images from the front of the synthetic image is stored in addition to said location data (col. 12-13, ll. 62-12; col. 4, ll. 10-14; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 12, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein another image may be pasted in any of said outer and inner frames in place of a previously pasted image (col. 6, ll. 28-32).

As per dependent claim 13, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a single image data file (col. 5, ll. 12-17).

As per dependent claim 14, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a template selecting device for selecting a template from among a plurality of options (Fig. 9; col. 12,ll. 23-30), wherein said outer and inner frames are determined by the selected template (Fig. 9; col. 11-12, ll. 65-5).

As per dependent claim 15, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 14, wherein samples of said plurality of template options are displayed in a small size on said control screen before one of the templates is selected (Fig. 9; col. 12, ll. 23-30).

As per dependent claim 16, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said first and second display sections are arranged side by side on a same control screen (Fig. 9).

As per dependent claim 17, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 16, wherein an operating section for operating said image

synthesizing apparatus is displayed on the same control screen as said first and second display section (Fig. 9; col. 3, ll. 37-41; col. 12, ll. 34-51).

As per dependent claim 18 and 19, Yokota in view of Luo discloses the inner frame has one of a ...polygonal shape (Fig. 9 e.g. darkened rectangle in the left portion of the display screen).

As per dependent claim 20, Yokota in view of Luo discloses a resolution of the main image is slightly higher than a resolution of the background image (col. 7-8, ll. 64-3).

As per dependent claim 21, Yokota in view of Luo discloses the outer frame circumscribes the inner frame in the second display section (Fig. 9 e.g. the dotted rectangle enclosed by the darkened rectangle in the left portion of the display screen).

As per dependent claim 22, Yokota fails to specifically disclose modifying each of the outer and inner frames, which Luo discloses (col. 3, ll. 10-16). However it would have been obvious to one of ordinary skill in the art to incorporate Luo disclosure of homothetically changing size or position of said crop boundary relative to the image displayed with the disclosure of Yokota because Yokota teaches repeating designation of editorial processes including manipulating the application of trimming operations, to achieve the desired display results (col. 8, ll. 30-35; col. 9-10, ll. 65-4).

Allowable Subject Matter

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments, see pp. 11, Para 1, filed 8/6/03, with respect to the rejection(s)of claim(s) 1 under Yokota have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yokota and further in view of Luo.

Applicant argues with respect to claim 1 (pp. 9, Para 6), Yokota fails to teach a second display section for displaying an outer frame and at least an inner frame located inside the outer frame.

In response, Yokota teaches displaying a plurality of selectable images and templates in a first display section located at the right portion of the display screen as shown in Fig. 9. Yokota also teaches displaying an operator selected template in the left portion of the display screen at Fig. 9 (col. 12, ll. 23-33). The template is representative of the claimed "outer frame". Yokota further teaches displaying windows on the selected template (i.e. dotted rectangle within the selected template occupying the left portion of the display screen in Fig. 9). The windows disclosed by Yokota are where operator selected images are pasted onto the designated template (col. 2, ll. 59-60). The windows as disclosed by Yokota correspond to the claimed "inner frame". Therefore, Yokota teaches a second display section for displaying an outer frame and at least an inner frame located inside the outer frame.

Applicant argues with respect to claim 1 (pp. 10, Para 2), Yokota does not disclose a frame selecting device for selecting one of the outer and inner frames as displayed in the second display section.

In response, Yokota teaches selecting and manipulating the image processing applied to the template and/or image as the template and/or image occupying the outer or inner frame is displayed in the second display section.

Applicant argues with respect to claim 1 (pp. 10, Para 2), Yokota fails to teach the crop boundary displayed on the image in the first display section, the crop boundary having similar shape to the frame that is selected by the frame selecting device.

In response, Yokota teaches designating image processes to be applied to a range (i.e. cropped area) of an image, while the image is displayed (col. 3, ll. 15-22). Yokota discloses trimming (i.e. cropping) an image as an editorial image process (col. 6, ll. 32-35). Yokota further teaches after applying the editorial image processing, displaying the modified image as required by the designated page layout (col. 7, ll. 55-65), in one of the one or multiple windows of which the page consists. Therefore it is obvious that Yokota's editorial process, which performs trimming of an image over a defined range of the image and displays the resultant image in a designated window slot, defines a crop boundary that has a similar shape to the selected frame.

Applicant argues with respect to claim 1 (pp. 11, Para 2), Yokota fails to teach a frame modifying device for modifying any of the outer and inner frames by homothetically changing size or position of the crop boundary relative to the image displayed in the first display section.

In response, Yokota teaches designating the range of the image that is to have image processing applied (col. 3, ll. 15-22). Yokota also discloses the editorial image processing being inclusive of designating trimming of the image (co. 6, ll. 30-35). Yokota further discloses operator adjustment of the editorial processes applied to the image, but fails to specifically teach modification of the range/trimming region size or position. Therefore the rejection is supplemented with the disclosure of Luo, U.S. Patent 6,654,506.

Applicant argues with respect to claim 1 (pp. 11, Para 3), Yokota fails to teach pasting the cropped area of a first image as the background image in an outer frame and the cropped are of a second image as the main image in an inner frame.

In response, Yokota teaches a template may be from an image that is clipped as a background image (col. 4, ll. 50-55). The template disclosed by Yokota is used as an outer frame (Fig.9, e.g. solid rectangle on left portion of the display screen). Yokota further discloses trimming an image to be pasted onto a template (col. 6, ll. 30-35).

Additionally, the pasted image is disclosed by Yokota as being pasted into a window slot (col. 4, ll. 45-50), which is representative of an inner frame (Fig. 9, e.g. dotted rectangle on left portion of the display screen). Therefore, Yokota discloses pasting the cropped area of a first image as the background image in an outer frame and the cropped are of a second image as the main image in an inner frame.

Applicant argues with respect to claim 2 (pp. 12, Para 2), Yokota does not teach a device for enabling changing aspect ratio of any of said outer and inner frames.

In response, Yokota discloses applying image processes to low resolution image data, which corresponds to the image data pasted in a displayed window (i.e. inner frame) (col. 14, ll. 45-50). Yokota also discloses selecting one of the multiple resolutions of the original image for application of the designated image process (col. 14, ll. 50-55). Yokota further discloses implementing the above described features in a system including a plurality of devices (col. 14, ll. 55-60). Therefore, Yokota teaches a device for enabling changing aspect ratio of any of said outer and inner frames.

Applicant argues with respect to claim 6 (pp. 12, Para 3) Yokota fails to disclose the frame selecting device automatically selects the outer frame immediately after the outer and inner frames are displayed in the second display section.

In response, Applicant's arguments are persuasive.

Applicant argues with respect to claim 10 (pp. 13, Para 1) Yokota fails to disclose a memory for storing location data representative of position of the inner frame relative to the outer frame.

In response, Yokota specifically discloses a template producing apparatus where a template (i.e. an outer frame) has one or multiple windows (i.e. inner frames) where images are embedded (i.e. pasted) (col. 2, ll. 59-60). Yokota also discloses an operator designating a template (i.e. an outer frame), an image to be pasted (i.e. an image occupying an inner frame/window) and the image's position in the template where the position information is stored (col. 8, ll. 39-42).

Applicant argues with respect to claim 14 (pp. 13, Para 2), Yokota fails to teach that the outer and inner frames are determined by the selected template.

In response, Yokota discloses the operator designation of a template (i.e. the outer frame) (col. 6, ll. 28-30). Yokota further teaches that templates can be grouped to form a book (col. 6, ll. 50-55). For each page of the book, corresponding template (i.e. outer frame) data and images (i.e. inner frame) to be pasted on each template are

stored (col. 6, ll. 56-67). Therefore, Yokota teaches outer and inner frames are determined by the selected template.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Chante Harrison
Examiner
Art Unit 2672

January 29, 2004

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600